

SELECTED KEY DEFINITIONS

Labeling Rule

40 CFR 82.104

Chapter XXX, page 4

1. ***Class I substance.*** Any substance designated as class I in 40 CFR part 82, Appendix A to subpart A, including chlorofluorocarbons, Halons, carbon tetrachloride and methyl chloroform and any other substance so designated by the Agency at a later date (see enclosure 2.)
2. ***Class II substance.*** Any substance designated as class II in 40 CFR part 82, appendix A to subpart A, including hydrochlorofluorocarbons and any other substance so designated by the Agency at a later date (see enclosure 2.)
3. ***Consumer.*** A commercial or non-commercial purchaser of a product or container that has been introduced into interstate commerce.
4. ***Container.*** The immediate vessel in which a controlled substance is stored or transported.
5. ***Container containing.*** A container that physically holds a controlled substance within its structure that is intended to be transferred to another container, vessel or piece of equipment in order to realize its intended use.
6. ***Controlled substance.*** A class I or class II ozone-depleting substance (ODS).
7. ***Distributor.*** A person to whom a product is delivered or sold for purposed of subsequent resale, delivery or export.
8. ***Export.*** The transport of virgin, used, or recycled class I or class II substances or products manufactured or containing class I or class II substances from inside the United States or its territory to persons outside the Unites States or its territories, excluding United States military bases and ships for on-board use.
9. ***Exporter.*** The person who contracts to sell class I or class II substances or products manufactured with or containing class I or class II substances for export or transfer of such substances or products to his affiliate in another country.
10. ***Interstate commerce.*** The distribution or transportation of any product between one state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points from which a product is introduced into interstate commerce are the release of a product from the facility where manufactured, warehoused or sold or distributed.

11.***Manufactured with a controlled substance.*** The manufacturer of the product itself used a controlled substance directly in the product's manufacturing but the product itself does not contain the controlled substance at the point of introduction into interstate commerce.

12.***Principal Display Panel (PDP).*** The entire portion of the surface of a product, container or its outer packaging that is most likely to be displayed, shown, presented, or examined under customary conditions of retail sale. The area of the PDP is not limited to the portion of the surface covered with existing labeling; rather it includes the entire surface, excluding flanges, shoulders, handles, or necks.

13.***Product.*** An items or category of items manufactured from raw or recycled materials, or other products, which is used to perform a function or a task.

14.***Product containing.*** A product including, but not limited to, containers, vessels, or pieces of equipment, that physically holds a controlled substance at the point of sale to the ultimate consumer which remains within the product.

15.***Promotional printed material.*** Any informational or advertising material (including, but not limited to, written advertisements, brochures, circulars, desk references and fact sheets) that is prepared by the manufacturer for display or promotion concerning a product or container, and that does not accompany the product to the consumer.

16.***Retailer.*** A person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to consumers who buy such product for purposes other than resale.

17.***Supplemental printed material.*** Any informational material (including, but not limited to, package inserts, fact sheets, invoices, material safety data sheets (MSDS), procurement and specification sheets, or other material) which accompanies a product or container to the consumer at the time of purchase.

18.***Transform.*** To use and entirely consume a class I or class II substance, except for trace quantities, by changing it into one or more substances not subject to this subpart in the manufacturing process of a product or chemical.

19.***Type size.*** The actual height of the printed image of each capital letter as it appears on a warning label.

20.***Warning label.*** The warning statement required by section 611 of the Act. The term warning statement shall be synonymous with warning label for purposes of this subpart.

21.***Wholesaler.*** A person to whom a product is delivered or sold, if such delivery or sale is for the purposes of sale or distribution to retailers who buy such a product for purposes of resale.